

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

KENNETH RAY CANTRELL,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CV 20-73-H-JTJ

**ORDER**

Plaintiff Kenneth Ray Cantrell (Cantrell) has moved for an award of attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). Cantrell initially sought \$8,444.73 in attorney's fees. (Doc. 31). Cantrell agreed to reduce his EAJA fee request to \$8,022.49 after conferring with the Commissioner of the Social Security Administration (Commissioner). (Doc. 34 at 2). The Commissioner does not oppose Cantrell's motion for EAJA fees in the amount of \$8,022.49. (Doc. 34).

The Court has reviewed Cantrell's application. The Court finds that the application is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the

plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If the plaintiff has no debt that qualifies as an offset under the Treasury Offset Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, \*2 (D. Mont. Sept. 7, 2018).

Accordingly, IT IS HEREBY ORDERED:

1. Cantrell's Motion for an Award of EAJA Fees (Doc. 31) is GRANTED. Cantrell is entitled to an award of attorney's fees under 28 U.S.C. § 2412 in the amount of \$8,022.49, less any offset allowed under the Treasury Offset Program.

2. If, after receiving this Order, the Commissioner determines that Cantrell owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Cantrell in the amount of \$8,022.49 less the amount of the offset. Cantrell's award check should be mailed to Cantrell's attorney, Maren Bam, at the following address:

Salus Law, PLLC  
8513 W. 9th Avenue  
Kennewick, WA 99336

3. If the Commissioner determines that Cantrell has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Cantrell has

assigned his right to the EAJA fee award to his attorney, the Commissioner should make the check payable to Maren Bam.

DATED this 11th day of April, 2022.



John Johnston  
United States Magistrate Judge